<center>Remarks</center>

The above Amendments and these Remarks are in reply to the Office Action mailed March 18, 2008.

## I.     Summary of Examiner's Objections/Rejections

The Office Action rejected claims 1, 10-13, 16-18, and 25-27.

## II.     Summary of Applicant's Response

This Reply amends claim 1, leaving for the Examiner's present consideration claims 1, 10-13, 16-18, and 25-27. The claims were amended to better describe embodiments of Applicant's invention. Reconsideration of the claims is requested.

## III.     Response to 35 U.S.C. 112 Rejection

Claim 1 was amended to better describe embodiments of Applicant's invention. Applicant respectfully submits that Claim 1 even more fully satisfies the requirements of 35 U.S.C. 112.

## IV.     Response to 35 U.S.C. 102(b) and 103(a) Rejections to Claims 1-3, 10, 12, 16-18, and 27

Claim 1

Claim 1 (as amended) states:

A computer program product including a storage medium with instructions thereon for execution by a computer for high level dynamic code generation, the instructions comprising:

a) computer code for <u>automatically</u> creating a class file container object that

<center>- 5 -</center>

stores source code describing a class, wherein creating a class file container object includes selecting a class name and a super class for the class;

b) computer code for adding a first source code defining a method to the class stored in the class file container object;

c) computer code for adding a second source code into the method in the class stored in the class file container object;

d) computer code for repeating instructions b and c to populate the class stored in the class file container object;

e) computer code for generating a tree of statements and expressions based on the class stored in the class file container object;

f) computer code for using the tree of statements and expressions to generate byte code for the class; and

g) computer code for instantiating an instance of the class;

wherein the computer program product can generate code for any type of Java[TM] program.

Claim 1 defines a computer program product including a storage medium with instructions thereon for execution by a computer for high level dynamic code generation. The instructions comprise: computer code for automatically creating a class file container object that stores source code describing a class, wherein creating a class file container object includes selecting a class name and a super class for the class, computer code for adding a first source code defining a method to the class stored in the class file container object, computer code for adding a second source code into the method in the class stored in the class file container object, computer code for repeating the previous

- 6 -

two instructions to populate the class stored in the class file container object, computer code for generating a tree of statements and expressions based on the class stored in the class file container object, computer code for using the tree of statements and expressions to generate byte code for the class, and computer code for instantiating an instance of the class, wherein the computer program product can dynamically generate code.

Claim 1 was rejected under 102(b) based on Bentley (U.S. Patent No. 5,815,415). Bentley, col. 11, lines 15-19, describes "an object-oriented schema implementation programming language."

Claim 1 requires "a) computer code for <u>automatically</u> creating a class file container object that stores source code describing a class, wherein creating a class file container object includes selecting a class name and a super class for the class." Bentley describes an object-oriented programming language. While Bentley describes a programming language that a programmer could use to create a class, Bentley does not disclose Claim 1 which requires "computer code for automatically creating a class file container object." Furthermore, Bentley's object oriented programming language does not disclose dynamic code generation.

Applicant respectfully submits that the embodiment as defined in Independent Claim 1 is not anticipated by Bentley. Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection to claim 1 be withdrawn.

Claims 10-12, 16-18, and 25-27

Dependent Claims 10-12, 16-18, and 25-27 depend from Claim 1. For at least the reasons discussed above, Dependent Claims 10-12, 16-18, and 25-27 are patentable. Dependent Claims 10-12, 16-18, and 25-27 add their own features which render them patentable in their own right.

## V.    Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,


Date:  June 18, 2008                    By:  /Thomas K. Plunkett/
                                             Thomas K. Plunkett
                                             Reg. No. 57,253
Customer No. 23910
FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, California 94108
Telephone: (415) 362-3800
Facsimile: (415) 362-2928

- 8 -